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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/784,224 | 01/16/1997 | ANTHONY D. SULLIVAN | 128-96-003 | 2493 |

7590 01/09/2004

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EXAMINER

MYHRE, JAMES W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3622

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.
08/784,224

Applicant(s)
Sullivan

Examiner
James W. Myhre

Art Unit
3622



All participants (applicant, applicant's representative, PTO personnel):

(1) James Myhre

(3) Samir A. Bhavsar

(2) Robert Weinhardt

(4) _____

Date of Interview Apr 22, 2003

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy is given to 1) ☐ applicant 2) ☐ applicant's representative)

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:
Itakura et al (6,351,745)

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Applicant Representative presented arguments as to which date on the above reference could be used as the priority date for rejection purposes. It was argued that since it was a National filing of an International application which was filed before the November 2000 change in procedures, only the 102(e) date shown on the front of the patent (Aug 27, 1998) could be used. The Examiners noted that the reference also claimed a separate chain of priority through a parent US application, (08/795,397), which claimed priority back to a US Provisional application (60/022,171) filed on August 19, 1996, and that this

was the priority date of the reference. Both parties cited parts of the MPEP to support their positions, but no agreement could be reached. Examiner Weinhardt indicated that he will send an inquiry up the chain to the policy setting department

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

JAMES W. MYHRE
PRIMARY EXAMINER
ART UNIT 3622

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required